

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

NICOLE M. HERR as guardian for)
WALLACE H. HERR, an incapacitated)
and disabled person,)

Case No.: 4:17-CV-02716-JAR

WALLACE H. HERR, and)

NICOLE M. HERR,)

Plaintiffs,)

vs.)

ERIC HERR, and)

TERRY HERR,)

Defendants.)

PLAINTIFFS' MOTION FOR

APPROVAL OF DISBURSEMENT OF SETTLEMENT PROCEEDS

COMES NOW, Plaintiffs, through counsel, and state as follows for their
Motion for the Court's Approval to disburse settlement proceeds as follows:

1. The essence of this case is Plaintiffs' allegation that Defendants
removed and converted monies from a joint bank account held by Nicole Herr and
Wallace Herr.

2. At mediation, Defendants settled the matter and agreed to pay to both
Plaintiffs collectively, thirty-nine thousand dollars (\$39,000.00).

3. Counsel for Plaintiffs has a contingency fee agreement entitling him to 35% of the gross settlement proceeds plus all costs incurred. The total attorney's fees are \$13,650.00.

4. To date, Plaintiffs' costs in the matter are \$3,921.65.

5. Nicole Horr as guardian for Wallace Horr is in arrears to the Estate of Wallace Horr for \$3,700.00 as she was unable to pay because of the missing money alleged in the petition. Payment should be directed to Tom Arras, conservator for Wallace Horr.

6. There is an outstanding bill to Nicole Horr for Wallace Horr's hearing aids for \$7,740.00 which should be paid to Southwestern Hearing Aid Co.

7. The remainder will be split between the Plaintiffs 50/50 entitling Wallace Horr to \$4,994.18 and Nicole Horr to \$4,994.17.

ACCORDINGLY, Plaintiffs respectfully request that this Honorable Court approve a payment to Dale Funk and Associates, LLC of \$17,571.65, a payment to Southwestern Hearing Aid Co. of \$7,740.00, a payment to Tom Arras as conservator for Wallace Horr of \$3,700.00, a payment to Nicole Horr of \$4,994.17 and a Payment to Wallace Horr of \$4,994.18.

RESPECTFULLY SUBMITTED:
DALE FUNK AND ASSOCIATES, LLC

BY: /s/ Dale R. Funk
Dale R. Funk, #65326MO
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Attorney for Plaintiffs

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing was served on all parties of record using this Court's electronic filing system and by depositing a copy of same in the U.S. Mail postage prepaid on this 3rd day of October, 2018 and addressed to the following:

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/s/ Dale R. Funk